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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Naoyasu Miyagawa et al.  
Serial Number: 09/823,852  
Filed: March 29, 2001  
Title: High Density Analog Recording  
Examiner: Gautam Patel  
Group Art Unit: 2655  
Attorney Docket: 03-2454/P029

AMENDMENT

Box Non-Fee-Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, CA 22313-1450

Sir:

This amendment is filed in response to the Office Action dated September 04, 2003.

REMARKS

Claims 1-29 are in the case and subject to a restriction requirement. Applicants hereby elect with traverse to prosecute the claims of group C, including claims 3-13 and 16-29, drawn to a method for recording data and mapping data with write symbols of different size, classified in class 369, subclass 53.33. Thus, claim 1, drawn to a method for determining a write strategy for recording data on a medium, classified in class 369, subclass 59.24. Claims 2 and 15, drawn to an apparatus of a recording medium having data blocks written on it and blocks are written using set of write symbols classified in class 369, subclass 59.13. Claim 14 drawn to a method for recording data and mapping data with write symbols of different size, classified in class 369, subclass 59.23, are withdrawn from consideration. Reconsideration is requested.

However, restriction is not required by 35 U.S.C. § 121, as suggested in the office action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. § 121 "... the Commissioner *may* require the application to be restricted...." (emphasis added). Likewise, MPEP § 803 lists two criteria that must be present for